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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTINA DARLENE JOHNSON,

Defendant and Appellant.

E056661

(Super.Ct.No. FSB1200653)

OPINION

APPEAL from the Superior Court of San Bernardino County. Harold T. Wilson, Jr., Judge. Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Christina Darlene Johnson was charged by information with attempted murder (Pen. Code, §§ 664/187, count 1), assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1), counts 2 & 3), unlawful driving or taking of a vehicle (Veh. Code, § 10851, subd. (a), count 4), and writing multiple checks with insufficient

funds (Pen. Code, § 476a, subd. (a), count 5). As to counts 1 and 2, the information alleged that defendant personally inflicted great bodily injury within the meaning of Penal Code section 12022.7, subdivision (a).¹ Pursuant to a plea agreement, defendant pled no contest to counts 2 and 4, in exchange for a three-year state prison term and the dismissal of the remaining counts and allegations. The court sentenced her to three years in prison, awarded a total of 210 days of presentence custody credits, and ordered her to pay victim restitution.

Defendant filed a timely notice of appeal, based on the sentence or other matters occurring after the plea. She also challenged the validity of her plea and requested a certificate of probable cause, which the trial court denied. We affirm.

FACTUAL BACKGROUND

Defendant was charged with, and pled no contest to, assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)) and unlawful driving or taking of a vehicle (Veh. Code, § 10851, subd. (a)), after she gave a car dealership two checks with insufficient funds for the purchase of a car. When an investigator (the victim), who was hired by the dealership to recover the car, located defendant, he told her he would be taking possession of the car. She stabbed him with a knife. The victim sustained five stab wounds.

ANALYSIS

Defendant appealed and, upon her request, this court appointed counsel to represent her. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25

¹ All further statutory references will be to the Penal Code, unless otherwise noted.

Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case and two potential arguable issues: (1) whether the restitution order was proper; and (2) whether defendant's plea was constitutionally valid. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which she has done. In her handwritten personal brief, defendant contends that: (1) the proper legal procedure for repossessing her car was not followed; (2) the victim never showed her an identification card authorizing him to repossess her car; (3) the victim was never asked to show what his job description was; (4) by law, the victim should have had an identification on file with the State of California, and he had no legal right or training and misrepresented himself to the court; (5) defendant had a legal right to use force on an intruder; (6) defendant was under attack by the victim, and she had a legal right to defend herself; and (7) the medical examiner's records stated that the victim sustained three wounds, but the court records reflect five wounds; also, the victim lied under oath when he stated he had five wounds.

Defendant pleaded no contest. "[W]hen a defendant pleads guilty or no contest and is convicted without a trial, only limited issues are cognizable on appeal. A guilty plea admits every element of the charged offense and constitutes a conviction [citations], and consequently issues that concern the determination of guilt or innocence are not cognizable. [Citations.] Instead, appellate review is limited to issues that concern the 'jurisdiction of the court or the legality of the proceedings, including the constitutional validity of the plea.' [Citations.]" (*In re Chavez* (2003) 30 Cal.4th 643, 649.) In

addition, “section 1237.5 authorizes an appeal [following a no contest plea] only as to a particular category of issues,” and to have these issues considered on appeal, a defendant must first take the additional procedural step of obtaining a certificate of probable cause. (*Id.* at p. 650.) All of the issues raised in defendant’s supplemental brief concern the determination of guilt or innocence, and are therefore not cognizable. (*Id.* at p. 649.)

Furthermore, defendant requested a certificate of probable cause to appeal, but her request was denied by the trial court. “[W]here, as here, a certificate of probable cause has been denied, the appeal is not operative and the denial of the certificate must be reviewed by writ of mandate.” (*People v. Castelan* (1995) 32 Cal.App.4th 1185, 1188.) Defendant did not challenge the denial by way of writ of mandate, so she is precluded from obtaining review on the merits of issues challenging the legality of the proceedings and/or the validity of her plea. (See *People v. Mendez* (1999) 19 Cal.4th 1084, 1096-1097.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

DISPOSITION

The judgment is affirmed.

HOLLENHORST, Acting P. J.

We concur:

KING, J.

CODRINGTON, J.